

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 21417 of 2006

Dated: 16.10.2006

Between:

K. Satyanarayana Murthy, S/o Satyanarayana, aged about
56 years, Occ: Conductor, E.No.94924, H.NO.6-140, Kovvur Road, Near
Ayyappa Tip Top, Jangareddygudem, West Godavari District.

.... PETITIONER

AND

The Depot Manager, APSRTC, Jangareddygudem Depot, West
Godavari District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No. 21417 of 2006

Order:

The petitioner, while working as Conductor in the respondents-Corporation, was removed from service, by impugned order dated 25.09.2006, on certain cash and ticket irregularities. The main grievance of the petitioner in this writ petition is that the

1st respondent-Depot Manager issued show cause notice dated 29.08.2006 calling upon him to show cause as to why he should not be removed from service within a period of seven days. The petitioner submitted a representation dated 07.09.2006 requesting the respondent-Corporation to grant 15 days time to submit his explanation as his mother was unwell. The petitioner made another representation dated 24.09.2006 to the respondent-Corporation, but the 1st respondent-Depot Manager, without giving any reasonable opportunity to submit his explanation to the show cause notice, dated 29.08.2006, passed the impugned order of removal. He, thus, prays to set aside the impugned removal order and to give him an opportunity to submit his explanation to the show cause notice dated 29.08.2006.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

Admittedly, the petitioner has not submitted any explanation to the show cause notice dated 29.08.2006 within the time prescribed by the 1st respondent-Depot Manager. By the time, the petitioner submitted representation seeking to grant some time to submit his explanation to the show cause notice, the impugned order came to be passed. The

contention of the petitioner is that as his mother was unwell, he made a representation to the

1st respondent-Depot Manager to grant some time to submit his explanation, but the 1st respondent-Depot Manager, without considering the same and without giving any opportunity to submit his explanation to the show cause notice, has passed the impugned removal order.

As against the impugned removal order, the petitioner has got an effective alternative remedy of appeal before the Divisional Manager, and the petitioner without availing the said remedy, has approached this Court. In view of availability of alternative remedy, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions.

The petitioner may avail the remedy of appeal before the Divisional Manager as against the impugned removal order, and he is at liberty to take all the pleas, raised in this writ petition, before the Divisional Manager. On such appeal being filed, the Divisional Manager, after taking into consideration the contentions raised by the petitioner, including the one that the impugned order came to be passed without giving him opportunity to submit his explanation to the show cause notice, shall consider and dispose of the same and pass appropriate orders in accordance with law, expeditiously, preferably within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

N.V. RAMANA, J.

Date: 16.10.2006

Note:

Issue CC in four days.

(B/O)

Nsr/Sj

